



City of Huntington Beach Planning and Building Department **STUDY SESSION REPORT**

TO: Planning Commission
FROM: Scott Hess, AICP, Director of Planning and Building
BY: Jill Arabe, Assistant Planner *JA*
DATE: February 14, 2012

SUBJECT: ZONING TEXT AMENDMENT NO. 11-003 (AMENDING CHAPTER 248 - PC APPEALS)

APPLICANT: City of Huntington Beach, 2000 Main Street, Huntington Beach, CA 92648

LOCATION: Citywide

PROJECT REQUEST AND SPECIAL CONSIDERATIONS

Zoning Text Amendment (ZTA) No. 11-003 represents a request to amend Chapter 248 (Notices, Hearings, Findings, Decisions and Appeals) of the Huntington Beach Zoning and Subdivision Ordinance (HBZSO) pursuant to direction from the City Council. The code amendment proposes to amend Section 248.28 to eliminate the fee waiver when an application is appealed by a Planning Commissioner.

The purpose of this proposed amendment is to streamline the process for existing or new businesses.

CURRENT LAND USE, HISTORY OF SITE, ZONING AND GENERAL PLAN DESIGNATIONS

LOCATION	GENERAL PLAN	ZONING	LAND USE
Citywide	All Land Use Categories	All Zoning Categories	All Land Uses

APPLICATION PROCESS AND TIMELINES

DATE OF COMPLETE APPLICATION: Not applicable
MANDATORY PROCESSING DATE: Legislative Action – Not Applicable

The public hearing date for Planning Commission has been tentatively scheduled for February 28, 2012.

CEQA ANALYSIS/REVIEW

The proposed zoning text amendment is categorically exempt pursuant to City Council Resolution No. 4501, Class 20, which supplements the California Environmental Quality Act.

COMMENTS FROM CITY DEPARTMENTS AND OTHER PUBLIC AGENCIES

The draft ordinance has been prepared by the City Attorney's office. There are no comments from other departments.

PUBLIC MEETINGS, COMMENTS AND CONCERNS

The decision to direct staff to process this zoning text amendment was discussed and made at the August 1, 2011, City Council meeting. At that meeting, staff was directed to review the appeal process for Planning Commissioners, particularly the lack of an appeal fee. There have been no public meetings on the proposed amendment itself.

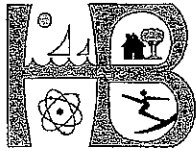
PLANNING ISSUES

The ZTA will assist in streamlining the process for new or existing businesses in meeting the economic goals for the City. The requirement of an appeal fee for Planning Commissioners will potentially reduce the processing time for an applicant's zoning entitlement.

ATTACHMENTS:

1. City Council Memo Dated July 20, 2011
2. City Council Minutes Dated August 1, 2011
3. Legislative Draft - Ordinance No. _____ HBZSO Chapter 248 (Notices, Hearings, Findings, Decisions and Appeals), Section 248.28 (Appeal by City Council Member or Planning Commissioner)

SH:HF:JA:kd



CITY OF HUNTINGTON BEACH

City Council Interoffice Communication

To: Honorable City Council Members
Joe Carchio, Mayor
Devin Dwyer, City Council Member
Matthew Harper, City Council Member

Date: July 20, 2011

Subject: **CITY COUNCIL MEMBER ITEM FOR AUGUST 1, 2011, CITY COUNCIL MEETING - PLANNING COMMISSIONERS APPEAL FEE AND PROJECT REVIEW PROCESS**

STATEMENT OF ISSUE:

The City Council has adopted three important documents to address the local economy, position the city as the "number one city to do business with," and continue to streamline the process for new or existing businesses. They are: 1) the City Council's Strategic Planning Goals, specifically the three-year goal of "Enhancing Economic Development," 2) the city's Ten Point Plan for Local Businesses, and 3) City Council Resolution No. 2010-84 - adopting SCAG's Business Friendly Principles.

In carrying out these economic goals, we believe it's important to continually review our processes and review the many requirements that affect the establishment or expansion of our local businesses. To that end, we would like staff to review the appeal process for Planning Commissioners, particularly the lack of an appeal fee as noted in Huntington Beach Zoning and Subdivision Ordinance (HBZSO) Section 248.28 A, which states in part, "The appeal shall be processed in the same manner as an appeal by any other person but need not be accompanied by the fee prescribed for an appeal." Secondly, we would like staff to work with the Planning Commission to possibly eliminate Study Sessions for most projects by amending or eliminating the "Project Review Process." Often times, this review process unnecessarily adds two to three weeks to an applicant's zoning entitlement processing time.

RECOMMENDED ACTION:

As a result, we ask the City Council to consider the following motion:

Direct the City Attorney to draft and return with an ordinance for City Council's consideration to amend the HBZSO so that an appeal fee will be required when appealed by a Planning Commissioner, and direct staff to work with the Planning Commission regarding the need to review every project at a Study Session by amending or eliminating the Planning Commission's Project Review Process.

xc: Fred A. Wilson, City Manager
Bob Hall, Deputy City Manager
Scott Hess, Director of Planning & Building

ATTACHMENT NO. 1

Housing Allocation; and, City Council and Agency Board Approval of an Agreement between the City and Redevelopment Agency providing funding for the required payments.

City Manager Wilson reviewed the subject matter of the Ordinance.

A motion was made by Bohr, second Boardman to approve for introduction Ordinance No. 3918, "An Ordinance of the City Council of the City of Huntington Beach, California, Authorizing the City of Huntington Beach to Participate In the Alternative Voluntary Redevelopment Program, Subject to Certain Conditions and Reservations," and, adopt Agency Resolution No. 391, "A Resolution of the Redevelopment Agency of the City of Huntington Beach Reducing Its Allocation to the Low and Moderate Income Housing Fund for the 2011-12 Fiscal Year and Making Certain Findings and Determinations," and, approve the "Remittance Agreement Pursuant to California Health and Safety Code Section 34194.2" between the City and Redevelopment Agency to provide funding for the required payments.

The motion carried by the following roll call vote:

AYES: Boardman, Dwyer, Bohr, Carchio, Hansen, Harper, and Shaw
NOES: None

City Clerk Flynn read into the record for introduction, by title only, Ordinance No. 3918.

COUNCILMEMBER ITEMS

30. Submitted by Mayor Carchio - Council Report/Appointment of a Voting Delegate and Alternate to the League of California Cities Annual Conference and Business Meeting.

A motion was made by Bohr, second Boardman to appoint Mayor Joe Carchio to serve as the voting delegate and Council Members Don Hansen and Matthew Harper as alternates 2 and 3, respectively, to represent the City of Huntington Beach at the 2011 League of California Cities Annual Conference and Annual Business Meeting, scheduled for September 23, 2011. The motion carried by the following roll call vote:

AYES: Boardman, Dwyer, Bohr, Carchio, Hansen, Harper, and Shaw
NOES: None

31. Submitted by Mayor Carchio, and Councilmembers Dwyer and Harper - Planning Commissioner's Appeal Fee and Project Review Process.

A motion was made by Harper, second Dwyer to direct the City Attorney to draft and return with an ordinance for City Council's consideration to amend the HBZSO so that an appeal fee will be required when appealed by a Planning Commissioner, and to direct staff to work with the Planning Commission regarding the need to review every project at a Study Session by amending or eliminating the Planning Commission's Project Review Process.

Councilmember Boardman spoke in opposition to the Appeal Fee and the need to review every project at a Study Session. She opined that the low number of appeals by Planning Commissioners (six in the previous three years) did not justify the proposed changes.

A discussion ensued amongst Council members and the City Attorney regarding the justification for the Appeal Fee, and various alternative processes which could be considered for Planning Commissioner appeals.

A substitute motion was made by Shaw, second Boardman to refer this issue back to the Planning Commission for their recommendation. The motion failed by the following roll call vote:

AYES: Boardman, and Shaw
NOES: Dwyer, Bohr, Carchio, Hansen, and Harper

A motion was made by Harper, second Dwyer to consider the original motion. The motion carried by the following roll call vote:

AYES: Dwyer, Bohr, Carchio, and Harper
NOES: Boardman, Hansen, and Shaw

COUNCILMEMBER COMMENTS (Not Agendized)

Comments were provided by Councilmembers Dwyer, Harper, and Mayor Carchio.

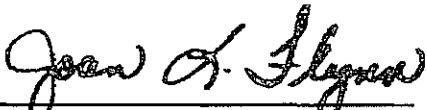
ADJOURNMENT

At 10:46 PM, Mayor Carchio adjourned the meeting to Monday, August 15, 2011 at 4:00 PM in Room B-8, Civic Center, 2000 Main Street, Huntington Beach, California.



City Clerk, ex-officio Clerk of the City
Council of the City of Huntington Beach,
Clerk of the Redevelopment Agency, and
Secretary to the Public Financing Authority
of the City of Huntington Beach, California

ATTEST:



City Clerk, Clerk, Agency Clerk, Secretary



Mayor-Chair

KEY	
INSERTIONS:	<u>Double underline</u>
DELETIONS	Strikethrough

ORDINANCE NO. _____

LEGISLATIVE DRAFT

248.28 Appeal by City Council Member or Planning Commissioner

- A. A City Council member or a Planning Commissioner may appeal a decision of the Director, Design Review Board, Environmental Assessment Committee, Subdivision Committee, Planning Commission or Zoning Administrator. The appeal shall be processed in the same manner as an appeal by any other person but an appeal by a City Council member need not be accompanied by the fee prescribed for an appeal.
- B. The City Council member or Planning Commissioner appealing the decision is not disqualified by that action from participating in the appeal hearing and the deliberations nor from voting as a member of the reviewing body.

ATTACHMENT NO. 3